

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA, ) Docket No. 3:06-CR-719  
Plaintiffs, ) Toledo, Ohio  
v. ) April 9, 2008  
MOHAMMED AMAWI, ET AL., )  
Defendants. )

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TRANSCRIPT OF JURY TRIAL, VOLUME 24  
BEFORE THE HONORABLE JAMES G. CARR  
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by mechanical stenography, transcript  
produced by notereading.

1           MR. SOFER: Before we start, I'd like to move  
2 Government's Exhibit 36A into evidence, which is the  
3 translation.

4           THE COURT: I assume that the prior objections  
5 will be renewed and will be overruled.

6           MR. BOSS: Yes, Judge.

7           MR. WHITMER-RICH: Thank you, Your Honor.

8           THE COURT: It will be admitted.

9                     (Jury brought in.)

10          THE COURT: Mr. Griffin, you remain under oath.  
11 Mr. Sofer, you may resume.

12          MR. SOFER: Thank you, Your Honor.

13 BY MR. SOFER:

14 Q.           Good morning, Mr. Griffin.

15 A.           Good morning.

16 Q.           Yesterday when we were discussing your  
17 interaction with Mohammed Amawi on January 10th of 2005,  
18 there was some mention of Marwan El-Hindi; is that right?

19 A.           Yes.

20 Q.           And do you know whether this was a first time or  
21 one of the first times that you had mentioned Marwan  
22 El-Hindi to Mohammed Amawi?

23 A.           I believe so.

24 Q.           And there was some discussion about Marwan  
25 El-Hindi's business ventures. Did you know something of

1 Marwan El-Hindi's business ventures?

2 A. Yes, previously we -- he had did some things to  
3 try to make money like some candy and products that were  
4 expired, some American flags, and some plastic grocery  
5 bags.

6 Q. And did you -- do you know approximately what  
7 years we're talking about when these business activities  
8 were taking place?

9 A. I would say between 2002 and 2004, latter 2004.

10 Q. And did you participate to some extent in any of  
11 these business ventures?

12 A. Yes.

13 Q. Can you tell the jury whether or not you spent  
14 money along with Marwan El-Hindi?

15 A. Yes, I did, for some of the things we had to  
16 travel back and forth to Chicago. I also had to get a  
17 storage place, storage facility to house these things and  
18 purchase the stakes for the flags.

19 Q. And --

20 THE COURT: Purchase the what for the flags?

21 A. Sticks.

22 THE COURT: Oh, the poles.

23 BY MR. SOFER:

24 Q. And can you give us an approximation of how much  
25 money it is that you expended in these business ventures

1 with Marwan El-Hindi?

2 A. About \$3,000.

3 Q. I want to direct your attention back to  
4 January 10th of 2005. After the viewing of the video that  
5 we watched, the longer video that we watched yesterday, did  
6 that conversation with Mohammed Amawi continue?

7 A. Yes, it did.

8 Q. And I want us to play Exhibit 4-21, 1D14, clip 17  
9 A, please. If the government will just give us a thumbs up  
10 I'll speak into the, Mike.

11 THE JUROR: Excuse me, sir, we're hearing a  
12 clicking and it's coming from when she's typing. It makes  
13 a -- a clicking noise, it's coming a feedback, yeah.

14 MR. SOFER: It wasn't doing that yesterday.

15 THE JUROR: It's only when she's typing, so it's  
16 coming from out through the system.

17 THE COURT: Angela, why don't you go ahead. I  
18 didn't have the ear phones on.

19 THE JUROR: It's been doing it the whole time,  
20 but today it's really really loud.

21 MR. SOFER: I can hear the speakers are turned  
22 up.

23 MR. HARTMAN: We hear it over here too, Judge.

24 THE JUROR: You're getting feedback from it. But  
25 when she stops, it's gone.

1 THE COURT: Obviously she has to.

2 THE JUROR: I understand.

3 THE COURT: On the other hand, though, she's not  
4 doing it when we're actually listening to the audio. So I  
5 don't think it's a problem because perhaps what she should  
6 do is wait until -- actually, Mr. Sofer, when we're playing  
7 audio, take a brief pause, in other words, just put the ear  
8 phones on once -- just before we start the audio rather  
9 than sort of in advance, because she's not taking down  
10 whatever's being said that was recorded on the audio.  
11 Okay. Thanks for mentioning it though. If you detect a  
12 massive sigh of relief coming from up here -- okay. Go  
13 ahead.

14 MR. SOFER: Thanks. Everybody's getting -- sorry  
15 about that. Much better.

16 (Audio playing.)

17 Q. Okay. Mr. Griffin, I want to show you what's  
18 been marked Government's Exhibit Number 38 for  
19 identification. Can you tell the members of the jury if  
20 you recognize Government's 38 for identification?

21 A. Yes, it's a CD.

22 Q. And can you tell us what's on Government 38 for  
23 identification?

24 A. It is the crusaders video, the one in this --  
25 this previous clip that we were looking at.

1 Q. And did you watch all or part of that video on  
2 January 10th, 2005 with Mohammed Amawi?

3 A. Yes.

4 MR. SOFER: At this time, Your Honor, the  
5 government offers Government Exhibit Number 38 into  
6 evidence.

7 THE COURT: It will be admitted.

8 MR. SOFER: And we're going to play Government's  
9 Exhibit Number 38. And again, ladies and gentlemen --

10 THE COURT: You may find it equally possible to  
11 hear without the ear phones, that's been my experience,  
12 perhaps a bit more comfortable. Whichever suits you.

13 (Video playing.)

14 MR. SOFER: And the record should reflect that we  
15 stopped the recording at two minutes and 37 seconds,  
16 Government 38 in evidence.

17 BY MR. SOFER:

18 Q. Mr. Griffin, did the conversation on January 10th  
19 with Mohammed Amawi continue?

20 A. Yes, it did.

21 Q. I want to play segment 18A of Exhibit 4-21, 1D14.

22 (Audio playing.)

23 MR. HARTMAN: Objection.

24 THE COURT: Okay.

25 MR. SOFER: I'm sorry, Judge.



1 MR. HARTMAN: Objection. May we approach.

2 THE COURT: If you can shut down the screen,  
3 please.

4 Can you hear me now? They cannot hear.

5 MR. HARTMAN: My objection --

6 THE COURT: Louder.

7 MR. HARTMAN: -- simply on the audibility.

8 THE COURT: I can't hear, quite candidly. I'm  
9 having a little trouble discerning --

10 MR. HARTMAN: I think for that reason we  
11 shouldn't allow the transcript in from this case strictly  
12 from the audibility standpoint, not accuracy.

13 MR. SOFER: I would say, Judge, I hate to say  
14 this but something has happened between yesterday and today  
15 in terms of playing the exact same, it's clear to me that  
16 the quality isn't as good.

17 THE COURT: Also because of the background stuff.

18 MR. SOFER: We had the background stuff  
19 yesterday.

20 MR. GETZ: I believe that The Court.

21 THE COURT: You can speak louder they cannot  
22 hear.

23 MR. GETZ: I believe the court system is turned  
24 up too high and that's why they're picking up the key  
25 strokes as much today.

1 THE COURT: Get Dave up please.

2 MR. GETZ: So you'll notice when there's a lot of  
3 audio from the video that's playing, it's being picked up  
4 from the -- it's overloading. And when we've listened to  
5 this through the computers when we've been, you know,  
6 marking this stuff, it sounds fine. And it did  
7 yesterday --

8 MR. SOFER: There's been a little.

9 THE COURT: I couldn't -- I couldn't hear  
10 anything.

11 MR. SOFER: I was able to make it out but much  
12 worse. There's no question about it. So if we can tweak  
13 the system.

14 I'd rather -- I think from the government's  
15 standpoint, I'd like to get it at least back to where it  
16 was yesterday.

17 MR. BOSS: We should probably give him a seat  
18 right here.

19 MR. GETZ: If we take just the audio system down  
20 a little bit.

21 MR. SOFER: He's frightened, Judge.

22 MR. HARTMAN: I would be too if I were he.

23 (Dave entered).

24 THE COURT: We cannot hear. We can't make out  
25 what is spoken. There's a lot of background noise.

1 They're watching a video, so there's a lot of stuff going  
2 on in terms of the audio.

3 MR. SOFER: Something changed since yesterday.

4 THE COURT: Ladies and gentlemen, as I'm sure  
5 you've noticed, it's very difficult to hear what is being  
6 spoken by either Mr. Griffin or Mr. Amawi as they're  
7 watching this particular video, and we've got our sound  
8 person here. We're going to try to do an adjustment to the  
9 video. I hope it doesn't take but a few minutes, but why  
10 don't you go on back upstairs and we'll get back to you.

11 MR. DOUGHTEN: I've asked Kevin.

12 THE COURT: Louder. Now you can speak in  
13 ordinary conversational tone.

14 MR. DOUGHTEN: I asked Kevin to turn the input  
15 volume to the system down, and it's -- two-fold thing, if  
16 your input volume is too high, you can change the room  
17 volume, but it still sounds distorted.

18 MR. SOFER: Did you turn the room volume up since  
19 yesterday? Somebody changed something.

20 MR. DOUGHTEN: He has a different PC compared to  
21 yesterday. So if we have a moment here we'll replay that  
22 and see if it sounds better.

23 THE COURT: You can be seated by the way. If you  
24 have -- if somebody wants to sit in the jury box.

25 MR. BOSS: By using the head phones should have

1 the same input as everyone else.

2 THE COURT: You let me know.

3 (Side bar concluded.)

4 THE COURT: Any objection if Angela doesn't --

5 MR. BOSS: No objection.

6 THE COURT: Any objection if Angela doesn't take  
7 any of the intervening conversation?

8 MR. SOFER: Not from the government. We're  
9 prepared to do that. We should have done it months ago but  
10 I'm happy to do it now.

11 THE COURT: Well, can you back up. I mean, part  
12 of the problem, part of the problem is all the background,  
13 okay.

14 MR. SOFER: It's much better now, Judge, I think,  
15 if you listen to it.

16 THE COURT: Can you just replay a little bit  
17 please. Can you back it up a bit?

18 (Audio playing.)

19 THE COURT: What -- stop it. What I'm going  
20 to -- that is sufficiently audible, I think, and the  
21 transcript is accurate and I will instruct the jury though  
22 and will remind them that what they hear with their ears is  
23 what controls.

24 MR. SOFER: Understood Judge.

25 MR. HARTMAN: And that satisfies our objection

1 because, frankly, that is a lot better.

2 THE COURT: That's probably useful to remind them  
3 of that in any event. Okay. I won't say that the  
4 transcript is accurate. That's my finding here.

5 MR. SOFER: I understand that.

6 THE COURT: Outside the presence of the jury.

7 MR. SOFER: I'd ask that we get to start from the  
8 beginning so they can hear it the right way.

9 THE COURT: I think that's fair and I will also  
10 indicate that restarting is not for emphasis but also due  
11 to the fact that we think we've resolved the problem.

12 (Jury brought back into the courtroom.)

13 THE COURT: Thanks again for your patience. I  
14 think we've made some adjustments to the input on the audio  
15 and it seems to be somewhat better. The one thing I do  
16 want to remind you, as I told you before, and I will try to  
17 remind you from time to time, that what you hear with your  
18 ears rather than what you may see with your eye in the  
19 transcript, what you hear with your ears about what is  
20 being spoken or whatever, that's what is the evidence, it's  
21 not what you may see with the transcript. The printed  
22 version represents the government's understanding of what's  
23 been -- what was being spoken, but it's simply its  
24 interpretation, and please keep that in mind so that you  
25 consider any of the recorded evidence, it's what you heard

1 with your ear rather than what you saw with your eye that  
2 controls, okay. Oh, and the other thing is I'm going to  
3 permit the government to start this -- it's 18A?

4 MR. SOFER: Yes, Judge.

5 THE COURT: -- from the beginning simply because  
6 of the problems we were having. Apparently the feed into  
7 our system is up too high or whatever, and we think it's  
8 been resolved, at least it's been tweaked.

9 MR. SOFER: Take two, Your Honor.

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

s:/ Angela D. Nixon

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Angela D. Nixon, RPR, CRR

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Date

I N D E X

Testimony of Darren Griffin continued